GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

UNSTARRED QUESTION NO:1277
ANSWERED ON:25.07.2016
Fake Products by Chinese Exporters
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Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether the Government has received reports of alleged sale of fake consumer products and other products of popular Indian brands by Chinese exporters where norms of trademarks have been violated;
(b) if so, the details thereof along with its impact on national exchequer and the domestic producers;
(c) whether special cases of selling of such fake products in the country have come to the notice of the Government and if so, the details thereof;
(d) whether the Government has taken up this issue with the Chinese authorities and if so, the details thereof along with the outcome thereof; and
(e) if not, the reasons therefor along with the preventive measures being taken by the Government in this regard?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (INDEPENDENT CHARGE)
(SMT. NIRMALA SITHARAMAN)

(a) to (e): Embassy of India has come across some instances of Chinese companies infringing upon copyright/trademark of Indian brands/products such as Natraj, Raymond, JK Files and Tools, Fevicol, Onida, Godrej, Boroplus, Dabur, Mida& Company Private Ltd and some Indian incense stick brands.

Two cases were recently booked by Indian Customs wherein popular Indian brands manufactured in India were imported. The details are as under:
Description of the Item Indian brand name Manufacturer Imported Tentative value
Cosmetics Lotus M/s Kanidi Cosmeceuticals, Solan, H.P. M/s Shiva Enterprises Rs. 11,34,360/-
Lakme, Ponds, Fair & Lovely (i) M/s Hindustan Unilever Limited, Uttarakhand
(ii) M/s Hindustan Unilever Limited, Andheri, Mumbai
(iii) M/s Schwan Stabilo, Mktd.. by Hindustan Unilever Limited, Mumbai -do- Rs. 2,27,89,518/-

On receipt of complaints from Indian companies, the cases of copyright/trademark violations are taken up at appropriate level with relevant Government agencies in China by Embassy of India, Beijing.
China recognizes a "first to file" system, which means that the rights of trademark belongs to the first person/company who properly registers the trademark in China. The Chinese side has acted upon few of the cases by allowing the Indian companies to register with the Trademark Office of the State Administration for Industry and Commerce of China. However, the onus of trademark registration and protection in China lies on the enterprises concerned. As per the extant rules in China, the individual enterprise has to file a case in relevant forum by hiring a law firm on reported instances of trademark/copyright infringements.

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